EXAMINER'S AMENDMENT

1.   An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview

with Garth Dahlen on February 10, 2011.

The application has been amended as follows:

2.   **Claim 3** is cancelled.

3.   **Claim 1** is rewritten as:

- - An optical laminate (optical laminate C) which comprises a layer (layer A)

comprising a resin having a negative intrinsic birefringence and at least one layer (layer

B) comprising a transparent resin, having substantially no orientation and laminated at

least on one face of layer A and satisfies a relation $|Re(A)|>|Re(B)|$, wherein $Re(A)$ and

$Re(B)$ represent an in-plane retardation of layer A and an in-plane retardation of layer B,

respectively, measured with light having a wavelength of 400 to 700 nm, wherein the

optical laminate satisfies a relation $\Sigma nz > \Sigma ny - 0.002$, wherein Σnz represents a refractive

index in a direction of a thickness and Σny and Σnx represent refractive indices in two

directions which are perpendicular to the direction of a thickness and perpendicular to

each other of optical laminate C measured with light having a wavelength of 550 nm,

and Σnx, Σny and Σnz satisfy relations $\Sigma nx < \Sigma ny$ and $\Sigma nx < \Sigma nz$; and wherein the optical

laminate satisfies a relation $Tg(A) > Tg(B) + 20$, wherein $Tg(A)$ and $Tg(B)$ represent glass

transition temperatures in °C of the resin of layer A and the resin of layer B,

respectively. - -.

4.   **Claim 16** is rewritten as:

- - The optical laminate according to Claim 15, which satisfies relations

Tg(A)>Tg(D) and Tg(B)>Tg(D), wherein Tg(D) represents a glass transition temperature

or a softening point in °C of an adhesive in the adhesive layer [[,]] ~~and wherein Tg(A)~~

~~and Tg(B) represent glass transition temperatures in °C of the resin of layer A and the~~

~~resin of layer B,respectively~~. - -.

5.   **Claim 22** is rewritten as:

- - The optical laminate according to Claim 21, wherein the laminate is co-

stretched at a temperature of from Tg(A)-10 (°C) to Tg(A)+20 (°C) [[,]] ~~wherein Tg(A)~~

~~and Tg(B) represent glass transition temperatures in °C of the resin of layer A and the~~

~~resin of layer B, respectively~~.- -.

6.   **Claim 23** is rewritten as:

- - The optical laminate according to Claim 21, wherein the laminate is obtained

by a molding process by coextrusion of the resin having a negative birefringence and

the transparent resin [[ ),]] ~~wherein Tg(A) and Tg(B) represent glass transition~~

~~temperatures in °C of the resin of layer A and the resin of layer B, respectively~~. - -.

7.   Line 14 of **Claim 25** is rewritten as:

- - laminating [[a]] the layer comprising [[a]] the transparent resin and having

substantially no orientation - -.

8.   On **Page 1** of the Specification, new line:

- - This application is a 371 of PCT/JP05/005666 filed March 22, 2005. - -

is inserted as line 1 below the title "OPTICAL LAMINATE, OPTICAL ELEMENT AND

LIQUID CRYSTAL DISPLAY DEVICE".

9.   On **Page 1** of the Specification, the header "DESCRIPTION" is deleted.

Rejoinder of Withdrawn Process Claims

10.   Claims 1-2, 4, 6-24 are directed to an allowable product. Pursuant to the

procedures set forth in MPEP § 821.04(B), claims 25-26, directed to the process of

making or using an allowable product, previously withdrawn from consideration as a

result of a restriction requirement, are hereby rejoined and fully examined for

patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142

have been rejoined, **the restriction requirement as set forth in the Office action**

mailed on January 22nd, 2010, is hereby withdrawn. In view of the withdrawal of the

restriction requirement as to the rejoined inventions, applicant(s) are advised that if any

claim presented in a continuation or divisional application is anticipated by, or includes

all the limitations of, a claim that is allowable in the present application, such claim may

be subject to provisional statutory and/or nonstatutory double patenting rejections over

the claims of the instant application. Once the restriction requirement is withdrawn, the

provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211,

1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Reasons for Allowance

11.   The following is an examiner's statement of reasons for allowance.

Regarding the product claims 1-2, 4, 6-24, the closest cited prior art of record,

US 2002/0060762, fails to fairly teach or suggest, even in view of US 2003/0125503,

US 4,985,285, JP 2000-141567, JP 2003-090912 and WO03/033454 (US 6,846,890),

the optical laminate described above. The transparent resin is different in '762, being

Zeonor 1420 ([0103]) and having a Tg(B) of 135 ºC, as evidenced by Applicant's

specification (page 28, lines 10-15), which is the same as that of Zeonor 1430 used in

Comparative Example 1 of Applicant's specification (page 31, lines 14-25), while the

resin having a negative intrinsic birefringence, namely Dylark D332, is the same in both

'762 ([0103]) and the present application, and has a Tg(A) of 130 ºC, as evidenced by

Applicant's specification (page 27, lines 5-10), which does not satisfy the relation

Tg(A)>Tg(B)+20.

Regarding the process claims 25-26, the closest cited prior art of record,

US 2002/0060762, fails to fairly teach or suggest, even in view of US 2003/0125503,

US 4,985,285, JP 2000-141567, JP 2003-090912 and WO03/033454, a process for

producing an optical laminate (optical laminate C) which comprises a layer (layer A)
comprising a resin having a negative intrinsic birefringence and at least one layer (layer
B) comprising a transparent resin, having substantially no orientation and laminated at
least on one face of layer A and satisfies a relation |Re(A)|>|Re(B)|, wherein Re(A) and
Re(B) represent an in-plane retardation of layer A and an in-plane retardation of layer B,
respectively, measured with light having a wavelength of 400 to 700 nm, wherein the
optical laminate satisfies a relation $\Sigma nz > \Sigma ny - 0.002$, wherein Σnz represents a refractive
index in a direction of a thickness and Σny and Σnx represent refractive indices in two
directions which are perpendicular to the direction of a thickness and perpendicular to
each other of optical laminate C measured with light having a wavelength of 550 nm,
and Σnx, Σny and Σnz satisfy relations $\Sigma nx < \Sigma ny$ and $\Sigma nx < \Sigma nz$, wherein said process
comprises: laminating the layer comprising the transparent resin and having
substantially no orientation on at least one face of the layer comprising the resin having
a negative intrinsic birefringence to form an unstretched laminate, and *co-stretching* the
formed unstretched laminate.

   In Applicant's specification, Applicant demonstrates that when the formed
unstretched laminate is *co-stretched*, the resin of layer B comprising transparent resin
having substantially no orientation, cannot have a Tg(B) that is higher than the Tg(A) of
the resin of layer A comprising resin having a negative intrinsic birefringence, to form an
optical laminate that satisfies the combination of the relation |Re(A)|>|Re(B)| for Re(A)
and Re(B) measured with light having a wavelength of 400 to 700 nm, and the relations
$\Sigma nx < \Sigma ny$ and $\Sigma nx < \Sigma nz$ for Σnx, Σny and Σnz measured with light having a wavelength

of 550 nm (Examples 1-2 and Comparative Example 1, Tables 1-2, page 34). The

transparent resin is different in '762, being Zeonor 1420 ([0103]) and having a Tg(B) of

135 ºC, as evidenced by Applicant's specification (page 28, lines 10-15), which is the

same as that of Zeonor 1430 used in Comparative Example 1 of Applicant's

specification (page 31, lines 14-25), while the resin having a negative intrinsic

birefringence, namely Dylark D332, is the same in both '762 ([0103]) and the present

application, and has a Tg(A) of 130 ºC, as evidenced by Applicant's specification (page

27, lines 5-10).

Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Ortiz, can be reached at (571)272-1206. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sophie Hon/

Sow-Fun Hon

Primary Examiner, Art Unit 1798